

REMARKS**Status of the Claims**

Claims 1 - 22 are pending in the application upon entry of the foregoing amendments. Claims 1-7, 11-14 and 16-21 have been amended; claim 15 has been cancelled; and claim 22 has been added.

Claims 1 – 20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 – 5, 13 – 15, 17 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Pospisil et al. (US 5,570,611). Claims 16 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al. (US 5,911,790). Claims 7 – 12, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Applicant requests entry of the foregoing amendments, reconsideration of the claim rejections and re-examination of the application in view of the foregoing amendments and the following remarks. No new matter has been added by the foregoing amendments.

Claims 1 – 20 are Patentable under 35 U.S.C. 112

Claims 1 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed.

The Examiner indicated that it is unclear if the recitation to “a mounting fixture” is positively claimed. Applicant has amended claims 1, 4, 13 and 16 to remove this recitation and has cancelled claim 15, thereby obviating this rejection.

The Examiner indicated that it is unclear if the recitation of “an exterior surface” in claim 3 is part of the adjuster assembly or the flexible projection. Applicant has amended claim 3 to clarify that an exterior surface is part of the retaining member.

The Examiner indicated that it is unclear if the recitation of “an abutment end” in claim 14 is the same as the abutment end of claim 1. Applicant has amended claim 14 to remove this recitation, thereby obviating this rejection.

Applicant respectfully requests withdrawal of the 35 U.S.C. 112 rejections.

Claims 11-12 and 20 are Allowable

Applicant acknowledges the Examiner’s indication that claims 11 and 20 would be allowable if rewritten in independent form, including all of the limitations of the base claims and any intervening claims. Applicant has rewritten claims 11 and 20 in independent form, including all of the limitations of the base claims and any intervening claims, with the exceptions that:

the clause of original claims 1 and 20 that recited “the mounting fixture” was deleted in response to the Examiner’s 112 rejections;

it has been clarified that the second arm comprises the second tab member; and

it has been clarified that flexure of the first and second arms is facilitated when the first and second tab members move toward the longitudinal axis.

Further, with respect to claim 20, Applicant has clarified that the “cable receiving bore” is a “flexible element receiving bore” and that the claimed sleeve need not be “molded.”

Applicant respectfully submits that claims 11 and 20 are allowable. Claim 12 depends from claim 11 and contains additional recitations thereto, and thus, for all of the above reasons, Applicant submits that claim 12 is also allowable.

Claims 1 – 5 and 13 – 14 are Patentable over Pospisil

Pending claims 1 – 5, 13 – 14, 17 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Pospisil et al. (US 5,570,611). The rejection is respectfully traversed.

Applicant acknowledges the Examiner's indication that original claim 11 contained allowable subject matter. Original claim 11, recited, in part, "wherein the first arm comprises a first tab member extending from the distal end of the first arm in a direction offset from the plane of the first arm, ... wherein the first tab member ... facilitate[s] flexure of the first arm ..., relative to the longitudinal axis of the bore"

Amended claim 1, which is directed to a cable assembly for transmitting force or motion, contains similar recitations to those of original claim 11. In particular, amended claim 1 recites, among other things, a first arm extending from the elongate body in a lateral direction and a tab member extending in a generally longitudinal direction from the first arm to a distal end, wherein moving the distal end of the first tab member towards the longitudinal axis of the bore flexes the first arm.

Pospisil fails to disclose a first arm extending from the elongate body in a lateral direction. Pospisil further fails to disclose a tab member extending in a generally longitudinal direction from the first arm to a distal end, wherein moving the distal end of the first tab member towards the longitudinal axis of the bore flexes the first arm.

As Pospisil fails to disclose each and every element of claim 1, Applicant respectfully submits that claim 1 is allowable. Claims 2-5 and 13-14 depend, directly or indirectly, from claim 1 and contain additional recitations thereto. Accordingly, for at least the above reasons, Applicant submits that these claims are allowable and respectfully requests withdrawal of the rejection.

Claim 15 has been cancelled.

Claims 17 and 18 have been amended to now depend from claim 16, thereby mooting the Examiner's rejection of these claims under 35 U.S.C. 102(b) as being anticipated by Pospisil. Claims 17 and 18 are addressed below.

Claims 16 and 21 are Patentable over Bates

Claims 16 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al. (US 5,911,790). The rejection is respectfully traversed.

Applicant acknowledges the Examiner's indication that original claim 11 contained allowable subject matter. Original claim 11, recited, in part, "wherein the first arm comprises a first tab member extending from the distal end of the first arm in a direction offset from the plane of the first arm, ... wherein the first tab member ... facilitate[s] flexure of the first arm ..., relative to the longitudinal axis of the bore"

Amended claim 16, which is directed to a cable assembly, recites, among other things, "a first tab member extending from the first arm in a generally longitudinal direction to a distal end, wherein the first tab member facilitates flexure of the first arm by moving the distal end of the first tab member towards the longitudinal axis of the bore."

Amended claim 21, which is directed to a remote control cable assembly for a transmission, recites, in part, "wherein the first arm comprises a first tab member extending from the distal end of the first arm in a direction offset from the plane of the first arm, ... wherein the first tab member ... facilitate[s] flexure of the first arm ..., when the first tab member [is] moved towards the longitudinal axis of the bore"

Thus, amended claims 16 and 21 each contain similar recitations to those of original,

allowable claim 11.

Furthermore, Bates fails to disclose a first tab member extending from the first arm in a generally longitudinal direction to a distal end, wherein the first tab member facilitates flexure of the first arm by moving the distal end of the first tab member towards the longitudinal axis of the bore.

Applicant respectfully submits that, to the extent that claims 16 and 21 incorporate the recitations of allowable claim 11, claims 16 and 21 are allowable. Claims 17-19, which were amended to correct their dependency to claim 16, contain additional recitations thereto. Accordingly, for at least the above reasons, Applicant submits that claims 16-19 and 21 are allowable and respectfully requests withdrawal of the rejection.

New Claim 22 is Patentable

New claim 22 depends from claim 1 and contains additional recitations thereto. Thus, Applicant submits that new claim 22 is allowable for at least the reasons that amended claim 1 is allowable.

Amendments to the Specification

The specification has been amended to refer to FIG. 10, and further to clarify the description of the structure shown in FIG. 8.

Amendments to the Drawings

Corrected formal drawings in compliance with 37 CFR 1.121(d) are submitted herewith a replacement drawings. Applicant has added Fig. 10 and sheet 11/11. Support for Fig. 10 can be found on page 12, line 27 to page 13, line 7 and on page 15, line 21 to page 16, line 17.

Conclusion

Applicant respectfully requests entry of the above amendments. The required fee for added claims is provided in a Fee Transmittal submitted herewith. The Commissioner is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0733. All claims pending in the application are now deemed to be in condition for allowance, which action is earnestly requested.

Respectfully submitted,

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